

Decision Record

Determination of NEPA Adequacy (DNA)

DOI-BLM-NV-W030-2014-0010-DNA

Burning Man Main Gate Opening and Closing Times

I have reviewed the Burning Man Main Gate Opening and Closing Times DNA (DOI-BLM-NV-W030-2014-0010-DNA) and have determined that the proposed action is in conformance with the Resource Management Plan for Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada, Record of Decision, July 2004.

On the basis of the information contained in the DNA Worksheet, it is my determination that implementation of the proposed action will not have environmental impacts beyond those already addressed in the Burning Man 2012-2016 Special Recreation Permit Environmental Assessment, DOI-BLM-NV-W030-2012-0007- EA; Decision Record dated 06/12/2012 and Finding of No Significant Impact dated 06/12/2012.

The Proposed Action will allow the opening and closing of the main gate to participants for a period up to 24 hours earlier than the scheduled beginning of the event and up to 24 hours after the scheduled end of the event. The purpose is to allow vehicles to enter earlier and exit later for a safer ingress and egress, maximizing use of daylight hours and minimizing traffic impacts on local roads. For 2014-2016, the main gate may be opened beginning at 10 AM on Sunday. The main gate may also be open for participant egress for a period continuing from the close of the event at 6 PM on Monday thru Noon on Tuesday, 2014-2016. This will not extend the beginning and ending of the Event itself, which is restricted to 192 total hours as stated in the 2012-2016 EA. Participants are required to focus their activities on camp location setup and breakdown during the added ingress and egress period. Official BRC activities associated with Event participation are not permitted until the official event start time, or after the official conclusion of the event, which is 6 PM on Monday September 2, 2014. For the 2015 and 2016 events, specific gate opening and closing times will be determined and agreed upon by coordination and consultation between both BLM and BRC.

RATIONALE:

Through coordination and communication with BLM, BRC has proposed opening and closing the main gate to participants for a period up to 24 hours earlier than the scheduled beginning of the Event and up to 24 hours after the scheduled end of the Event. The purpose would be to allow for vehicles to enter earlier and exit later for a safer ingress and egress, maximizing use of daylight hours and minimizing traffic impacts on local roads.

AUTHORITY:

The authority for action is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (FLPMA) (Section 103(c)), which requires public lands to be managed on the basis of multiple use, and to take any action necessary to prevent unnecessary or undue degradation of lands (Section 302(b)). In addition, the authority for action is established by the Federal Lands Recreation Enhancement Act (REA), which authorizes the BLM to issue special recreation permits for group activities and recreation events.

APPEAL PROVISIONS

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Gene Seidlitz, District Manager, Winnemucca District Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890.

Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- 4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Authorized Official: _S\Gene Seidlitz_____

Gene Seidlitz
District Manager
Winnemucca District

Date: ___5/15/14_____

Attachments:

- Appeal Form 1842-1